

### **Objection to Abstract**

The Examiner has objected to the Abstract because it contains more than 150 words. Accordingly, the Abstract has been revised to reduce the number of words and to better describe the invention now being claimed in this divisional application.

### **Rejection Under 35 USC §112**

The Examiner has rejected claims 56-69 under 35 USC §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. In particular, the Examiner has suggested that in claim 56, line 6, proper Markush language should be inserted in place of "comprising".

Reconsideration of this rejection is requested since Applicants submit that the word "comprising" is an established and acceptable word used in claims. Applicants are using the word "comprising" as a transitional phrase in the manner indicated as being acceptable in MPEP 2111.03. Accordingly, it is believed that the claim is definite and does particularly point out and distinctly claim the subject matter which Applicants regard as their invention. Reconsideration and withdrawal of this rejection is solicited.

**Claims 56-69 have been rejected under 35 USC §103(a) as being unpatentable over either Adams et al U.S. Patent 5,709,937 or Freedman U.S. Patent 5,186,782.**

The Examiner considers that these two references disclose closely related multilayer films suitable for use as labelstock. Although the Examiner acknowledges that Adams et al is limited to machine direction only oriented polypropylene based films, the Examiner is of the opinion that Adams et al substantially discloses the remaining parameters contemplated by Applicants. The

Examiner has noted that although Adams et al are concerned with machine direction only oriented films, Adams et al do refer to the Freedman '782 patent in column 2.

With respect to Freedman, the Examiner notes that Freedman teaches the same relied upon structure (FIG. 5) that Applicants contemplate, and that Freedman indicates in column 8, lines 3-23 that techniques such as biaxial orientation of the films are suitable for use in the practice of the invention.

Reconsideration and withdrawal of the rejections on these two references is solicited. The Examiner's reliance on Adams et al is not understood since Adams et al clearly is directed to machine-direction only oriented films, and the present invention is directed to biaxially oriented films. As noted by Adams et al in column 10, lines 59-62,

The stretching is in the machine-direction  
only so that there is essentially no stretching  
in the cross direction.

Adams et al further state in column 9, lines 20-24

Overly stiff label films such as biaxially  
oriented films tend to result in labels which  
bridge the depressions and mold seems in  
the glass surface, and the depressions  
appear as trapped air between the label and  
the glass surface.

Thus, Adams et al teach away from the present invention. The rejection on Adams et al should be withdrawn.

Freedman '782 describes extruded heat-set polymeric films which are die-cut into labels, dispensed past peel-plate edges, and applied to deformable or squeezable workpieces after being treated differently in their lengthwise and crosswise direction. This difference in treatment results in labels having different stiffnesses in the machine direction and cross direction. In some embodiments, the films are hot stretched in the machine direction only, and in other embodiments, it

is suggested that the films may be stretched in both the machine direction and the cross direction, provided, however, that the stretching in the cross direction does not exceed the degree of hot stretching in the machine direction. (For example, see column 7, line 52 to column 8, line 2). From a reading of the Freedman '782 patent, it is clear that biaxial orientation is not critical to Freedman's invention. There are four Examples in the '782 patent found beginning at column 8, line 60 through column 10, line 19, and all four of these examples describe the stretching in the machine direction only.

In addition, with regard to multilayer films, Freedman discloses the skin and core layers may comprise the material physical blends of (1) polypropylene or copolymers of polypropylene and polyethylene and (2) ethylene vinyl acetate (EVA) in weight ratios ranging from 50/50 to 60/40 (column 5, lines 47-51) or the core layer could be a low, medium, or high density polyethylene, (column 5, lines 52-54). In Freedman's four Examples identified above which relate to multilayer films, the core layer comprises a physical blend of (1) a copolymer of polypropylene and polyethylene and (2) EVA. There is no disclosure of the use of propylene polymers or copolymers of propylene with  $\alpha$ -olefins as defined in e.g., claims 57-59.

Reconsideration and withdrawal of the rejection based on Freedman '782 is requested. All of the claims remaining in the application describe an adhesive-containing labelstock for use in adhesive labels which comprises a biaxially oriented multilayer film comprising a base layer and a skin layer wherein the base layer is free of copolymers of ethylene with an ethylenically unsaturated carboxylic acid or ester (e.g., EVA), the tensile modulus of the multilayer film in the machine direction is greater than the tensile modulus in the cross direction, and the tensile modulus of the multilayer film in the cross direction is 150,000 psi or less. As noted above, Freedman teaches that the preferred materials for skin and core layers comprise physical blends of polypropylene or copolymers of polypropylene

and EVA, and such blends are utilized in Examples 1-4 of the Freedman '782 patent. Claims 56-72 which are pending in the application specifically exclude the use of such materials in the base layer.

Reconsideration of the rejection based on Freedman is requested particularly as to the claims which recite that the core layer comprises a propylene polymer or copolymer. For example, claims 57-59. Freedman neither discloses or suggests the use of such core materials.

The claims pending in the present application also require that the tensile modulus of the multilayer film in the machine direction is greater than the tensile modulus in the cross direction, and the tensile modulus of the multilayer film in the cross direction is 150,000 psi or less. Applicants find no teaching in Freedman of such a relationship of tensile modulus in the machine direction and cross direction, nor is there any teaching of the criticality of utilizing a multilayer film wherein the tensile modulus in the cross direction must not exceed 150,000 psi.

In view of these differences between the labelstock of claims 56-72 and the teachings of the Freedman reference, the rejection of the claims based on Freedman should be withdrawn. Furthermore, with respect to claim 64 and new claim 70, there is no teaching in Freedman that the stretch orientation of the multilayer film in the machine direction should exceed the stretched orientation in the cross direction by the amounts specified in these claims.

New claims 77 and 78 define the multilayer films of the invention wherein the films have a frictional energy of less than 120 g-cm (claim 71) or less than 80 g-cm (claim 72). As noted beginning at page 26 of Applicants' specification, the suitability of the biaxially oriented films to be die-cuttable is evaluated by die-cutting shapes in the films and thereafter measuring the friction energy required to separate the matrix from the die-cut shape. Low friction energy values (e.g., about 150 g-cm or less) indicates the film exhibits good die-cuttability. The results shown in Table VIII on page 28 of Applicants' specification

demonstrates that the films of Examples 1-14 exhibit good frictional energy properties.

**CONCLUSION**

In view of the above amendments and remarks, Applicants respectfully submit that all of the claims in the application now satisfy the requirements of 35 USC §§ 112 and 103(a). In addition, it is believed that the rewritten Abstract is now acceptable. An early action allowing all of the claims in this application is solicited.

Respectfully submitted,

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